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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,719	01/14/2004	Oscar Carnicer Montolio	2804-1-001	3835
7590	12/01/2005		EXAMINER	
KLAUBER & JACKSON 4th Fl. 411 Hackensack Avenue Hackensack, NJ 07601			AMIRI, NAHID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/757,719	MONTOLIO, OSCAR CARNICER	
	Examiner	Art Unit	
	Nahid Amiri	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 September 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-5 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 and 3-5 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 21 June 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received 15 September 2005, amendments to the claims have been entered. Claim 2 and 6-8 are canceled. Claims 1 and 3-5 are pending.

Claim Objections

Claims 1 and 3-5 are objected to because of the following informalities: "A improved" should be change to --A-- line 3, "being provided" should change to --comprising--, line 5, after "making" should delete "it"; line 10, "are provided with" should change to --having--; claims 3-5, line 1, "An improved" should be changed to --A--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The

Claim 1 recites the limitation "said piece" in line 3; "the piece" in lines 11 and 13; "said latter side" in line 14. There is insufficient antecedent basis for these limitations in the claims.

Further relative to lines 3-4, it is unclear how the projections and depressions on a single tile will be "slotted together". With respect to lines 5-6, "making it difficult" is subjective, undefined and otherwise of little probative value.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,942,072 Chaung.

In regard to claim 1: Chaung discloses a carpet tile (Fig. 2) of a kind that is arranged in rows and columns forming a grid, sides of the tile including projections and depressions to be slotted together; wherein the projections and depressions have a trapezoidal shape. One projection is located in a central part of the side of the tile and another projection is located in the center of the opposite side of the tile. One depression is located in a central part of another side of the tile and another depression is located in the center of the opposite side of the tile.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. Des. 298,464 Roote.

In regard to claim 1: Roote discloses a concrete block (Fig. 1) of a kind that is arranged in rows and columns forming a grid, sides of the tile including projections and depressions to be slotted together; wherein the projections and depressions have a trapezoidal shape. One projection is located in a central part of the side of the tile and another projection is located in the center of the opposite side of the tile. One depression is located in a central part of another side of the tile and another depression is located in the center of the opposite side of the tile.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 57,111 Bruce.

In regard to claim 1: Bruce discloses a concrete block (Fig. 1) of a kind that is arranged in rows and columns forming a grid, sides of the tile including projections and depressions to be slotted together; wherein the projections and depressions have a trapezoidal shape. One projection is located in a central part of the side of the tile and another projection is located in the

center of the opposite side of the tile. One depression is located in a central part of another side of the tile and another depression is located in the center of the opposite side of the tile.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung as applied to claim 1 above, and further in view of US Patent No. 3,504,469 Painter.

In regard to claims 3-5: Chaung discloses the claimed invention except for the ornamentation being either natural stone, parquet or mosaic. It is well-known and conventional to select tiles to obtain any aesthetic appearance desired. This is evidenced by Painter. Accordingly, it would have been an obvious matter of design choice to one of ordinary skill in the art to provide the ornamentation of Chung as any of natural stone, parquet or mosaic designs, as taught by Painter, so as to achieve a desired surface appearance and because it is well-within the level of skill of one of ordinary skill to utilize known designs of the art for the purpose for which they are known.

Claims 3, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rooter as applied to claim 1 above, and further in view of US Patent No. 3,504,469 Painter.

In regard to claims 3-5: Roote discloses the claimed invention except for the ornamentation being either natural stone, parquet or mosaic. It is well-known and conventional to select tiles to obtain any aesthetic appearance desired. This is evidenced by Painter. Accordingly, it would have been an obvious matter of design choice to one of ordinary skill in the art to provide the ornamentation of Roote as any of natural stone, parquet or mosaic designs, as taught by Painter, so as to achieve a desired surface appearance and because it is well-within

the level of skill of one of ordinary skill to utilize known designs of the art for the purpose for which they are known.

Claims 3, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce as applied to claim 1 above, and further in view of US Patent No. 3,504,469 Painter.

In regard to claims 3-5: Bruce discloses the claimed invention except for the ornamentation being either natural stone, parquet or mosaic. It is well-known and conventional to select tiles to obtain any aesthetic appearance desired. This is evidenced by Painter. Accordingly, it would have been an obvious matter of design choice to one of ordinary skill in the art to provide the ornamentation of Bruce as any of natural stone, parquet or mosaic designs, as taught by Painter, so as to achieve a desired surface appearance and because it is well-within the level of skill of one of ordinary skill to utilize known designs of the art for the purpose for which they are known.

Response to Arguments

Applicant's arguments with respect to claims 1 and 3-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, e.g. claim 1, lines 10-14, the limitation of "said projections and depression are provided with a trapezoidal shape", was not claimed in original claimed invention. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nahid Amiri
Examiner
Art Unit 3679
November 22, 2005



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